IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.367 OF 2005
IN
APPEAL (L) NO. 88 OF 2005
IN
WRIT PETITION NO.2879 OF 2003

The City Cooperative Bank Ltd. .. Applicant

V/s

M/s.Evergreen Motors & Anr. .. Respondents

Shri.Gaikawad i/b. K.V. Tembe for the Applicant.

CORAM : DR.S.RADHAKRISHNAN &
S.J.VAZIFDAR, JJ.
DATE : 10TH MARCH, 2006.

P.C.:

1. Heard the learned Counsel for the Applicant.

The learned Counsel for the Applicant states that the Respondents have been served and undertakes to file affidavit of service within a period of one week from today.

2. By this Notice of Motion, the Applicant is seeking condonation of 364 days delay. Perused the Notice of Motion and the affidavit-in-support thereof. For the reasons stated in the affidavit-in-support of the Notice of Motion, sufficient cause is made out for condoning the delay. There is no case of inaction, negligence or want of bonafide on the part of the Applicant. Hence, Notice of Motion is made absolute in terms of prayer clause (a).

(DR.S.RADHAKRISHNAN,J.)

(S.J.VAZIFDAR,J.)